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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA**

EPA USA Inc.,

Plaintiff(s),

v

Kamil Knap,

Defendant(s)

C.A. No. CV-24-00749-PHX-GMS

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S NOTICE OF
NONCOMPLIANCE WITH COURT
ORDER**

**KAMIL KNAP'S RESPONSE TO PLAINTIFF'S NOTICE OF NONCOMPLIANCE
WITH THE COURT'S ORDER (DOC. 54)**

By and through counsel, Kamil Knap respectfully submits this Response to Notice of Noncompliance, as directed by the Court Order (Doc. 54). For all the reasons set forth herein, Kamil Knap respectfully requests that he not be held in further contempt as he has complied with the Court Order to the extent possible.

Background

The defendant was given until 7.12.24 at 12:00 MST to upload or transmit to the plaintiffs all outstanding items identified in the prior preliminary injunction (Doc. 35). The

plaintiffs were then allowed one business day to provide notice of any outstanding items and of defendant's noncompliance. The plaintiffs did provide such notice. The defendant provides the instant Response within the four hours allotted per the Court Order (Doc. 54).

Compliance with the Court's Order

As the plaintiffs stated, the defendant provided the crucial collection reports as well as additional usernames and passwords for EPA accounts. As to the fact that the "remaining passwords" failed aside from 24 of the 137 accounts, the defendant is unsure of what this means. He has provided all his passwords to the plaintiffs. He possesses no other passwords to provide to the plaintiffs. He requires further explication as to what issue plaintiffs are encountering with the reporting he provided on the collection portfolios on July 12, 2024.

Regarding the two-factor authentication (2FA), the hold up is that many of the accounts would not allow Knap to change the 2FA number without the new recipient acknowledging the change on their end. This created an unforeseeable snag. To remedy this, Knap removed the 2FA requirement on all the accounts. *See*, Exhibit 1 regarding 2FA preferences.

Regarding the additional "permissions" and access Knap provided this morning, without further information on what specific permissions are being referenced no response can be made. However, given what seems like recurring holdups over passwords that don't work, or 2FA issues, **defendant proposes a one-hour Zoom call attended by Natalia Ponomarou, Martin Benko, or any other of the plaintiffs who are going to be running EPA USA Inc. moving forward, Kamil Knap, and their counsel, to work through, one by one, and *in real time*, the 2FA and password issues that continue to plague this transfer of login credentials.** 2FA is a ubiquitous technology for preserving data security but has created issues in the instant matter that could be remedied by a real time conference.

Regarding the list of contractors and duties, these appear to have already been provided as of June 20, and the employee list was provided as of June 26. The file labeled “HR” contains all the current and prior employees, including relevant employment documents for each individual. *See*, Ex. 2 regarding employees and contractors. The Intuit/QuickBooks login ID and password has been supplied as of the drafting of this Response, and the phone number for 2FA is set as plaintiffs had directed.

The defendant previously uploaded 11.4 GB worth of data in an “Operations” folder which, respectfully, is sufficient to reasonably comply with a request for a “description of the mechanics of EPA’s operations.” *See*, Doc. 55, Plaintiffs Notice of Noncompliance.

Generally, Knap continues to comply with the Court Order to the extent possible. The most crucial pieces of information, namely the debt portfolio up-to-date reporting through April of 2024, were provided prior to the Court’s 7.12 12:00 MST deadline. As the plaintiffs state, further issues with login credentials were addressed on the morning of July 15, 2024, a Monday. In closing, the defendant, respectively, highlights his efforts in obtaining the most crucial asset information—the debt portfolio account reporting--as proof that he has complied with the Order.

Dated: Broomfield, Colorado.

July 15, 2024

Respectfully submitted,

/James W. Olsen, Esq./

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